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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/657,072	09/09/2003	Jong-Tae An	1293.1804	9187

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EXAMINER

HINDI, NABIL Z

ART UNIT PAPER NUMBER

2627

DATE MAILED: 10/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/657,072	Applicant(s) AN, JONG-TAE	
	Examiner NABIL Z. HINDI	Art Unit 2627	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 01 August 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-49 is/are pending in the application.
- 4a) Of the above claim(s) 30-39 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 11-14, 16-20, 26, 27, 29, 40, 43, 45, 46 and 48 is/are rejected.
- 7) ☒ Claim(s) 3-10, 15, 21-25, 28, 41, 42, 44, 47 and 49 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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In response to applicant's remakes dated August 01, 2006. The following action is taken:

Applicant's election without traverse of group one claims 1-29 and 38-49 is acknowledged by the examiner. However due to a typographical error in the examiner action, claims 38 and 39 should have been included within the second group. Therefore claims 38 and 39 are grouped within the non-elected claims 30-37. only claims 1-29 and 39-49 are examined on the merits.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 2, 11, 14, 16-20, 26, 29, 40, 45, 46 and 48 are rejected under 35 U.S.C. 102(e) as being anticipated by Ogawa (7085210).

The independent claims 1, 19, 40 and 45 merely read on test recording a plurality of data on the disk, averaging the signals obtained from the data recorded on the disk in order to obtain an optimized data recording power. The reference shows an optical disk recording and reading apparatus wherein prior to recording data on the a disk, a test recording is initialized. The test data having a plurality of recording power levels is

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obtained and averaged in order to optimize the recording power as cited in column 7 lines 46-67.

With respect to the limitations of claims 2 and 20. The reference discloses the use of a PCA area.

With respect to the limitations of claims 11 and 26. The reference as shown in fig 3 shows the use of an average value.

With respect to the limitation of claim 14. The claim read on determining the optimum power level based on the test recorded signal.

With respect to the limitations of claims 16-18, 29 and 46. The claims read on the ell established PCA area in the lead-in area of the disk.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 12, 13, 27 and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ogawa in view of Negishi et al (7050367).

The primary reference discloses the invention as analyzed above. However, the reference does not disclose the use of disk tilt compensation. The secondary reference discloses the use of a tilt compensation means for the purpose of optimizing the data reading and recording operation as cited in the summary. Thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the teaching of the secondary reference and modify the primary reference. Such

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modification of using tilt compensation is merely a standard in the optical device for the purpose of optimizing the alignment of the light beam with respect to the disk. Thus it would have been obvious to one of ordinary skill in the art to use the teachings of the secondary reference for the purpose of compensating misalignment of the disk with respect to the head.

Claims 3-10, 15, 21-25, 28, 41, 42, 44, 47, and 49 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

None the cited prior art shows or teaches the use of a reference value to optimize the laser beam based on the modulation rate the asymmetry nor the use of a recording power based on the reference recording power, a predetermined variable range of the reference power and a coefficient recorded on the disk. The reference also does not shows the setting of the reference value based on a block error rate (claims 15, 28 and 44)

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. 6885617; 5341360 and 7009924.

Any inquiry concerning this communication should be directed to NABIL Z. HINDI at telephone number (571) 272-7618.

  
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2627